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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

August 5, 2021

TO: Cynthia Borrego, President, City Council

FROM: Brennon Williams, Planning Director *BWilliams*

SUBJECT: AC-21-11, Project-2021-005392, VA-2021-00112:
Dolores Morales, agent for Janet Fuentes, appeals the Zoning Hearing Examiner's decision to deny a variance for a six (6) foot wall for Lot 1, Block B, Torreon Addition, Anderson & Thaxton Replat, located at 700 Gibson Blvd. SE, and zoned NR-C Non-Residential Commercial [reference Section 14-16-5-7(D)]

OVERVIEW

The Applicant filed a request with the Zoning Hearing Examiner (ZHE) for a variance to allow a six (6) foot tall wall to be located at 700 Gibson Blvd. SE, and zoned NR-C. The variance request was scheduled and heard by the ZHE at the June 15, 2021, public hearing.

In the Notice of Decision issued June 30, 2021, the ZHE determined that the Applicant failed to meet their burden to justify the request and identify the special circumstances which impact the subject site differently than other properties in the vicinity. As a result, the ZHE denied the application.

On July 13, 2021, an appeal of the ZHE's decision was filed.

BASIS FOR APPEAL

Section 14-16-6-4(V)(4) of the Integrated Development Ordinance (IDO) outlines the applicable criteria for the appeal in determining whether the ZHE erred in his decision:

6-4(V)(4) Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes:

- (a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.
- (b) The decision being appealed is not supported by substantial evidence.
- (c) The decision-making body or the prior appeal body erred in applying the requirements

of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

STAFF RESPONSE

The reason for the appeal, excerpted from Appellant's letter, is listed below. A bulleted, italicized response from the Planner for the ZHE has also been provided. Please see the Appellant's letter and submittal packet for additional details.

The Appellant stated that the application was "denied without explanation as to why."

- *The City of Albuquerque Integrated Development Ordinance reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
(1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
(2) The Variance will not be materially contrary to the public safety, health, or welfare.
(3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
(4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
(5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*
- *The Zoning Hearing Examiner's Notice of Decision dated June 30, 2021, finding #10, states "evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance..."*

/ Lorena Patten-Quintana /

Lorena Patten-Quintana, ZHE Planner
Office of the Zoning Hearing Examiner
City of Albuquerque Planning Department

AC-21-11 Memo

Final Audit Report

2021-08-10

Created:	2021-08-10
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAEVnLy4med_tuTIBDtEVT-w_oH6x8fZ1I

"AC-21-11 Memo" History



Document created by Lucinda Montoya (lucindamontoya@cabq.gov)

2021-08-10 - 9:39:55 PM GMT - IP address: 143.120.133.160



Document emailed to BN Williams (bnwilliams@cabq.gov) for signature

2021-08-10 - 9:41:26 PM GMT



Document e-signed by BN Williams (bnwilliams@cabq.gov)

Signature Date: 2021-08-10 - 9:58:57 PM GMT - Time Source: server- IP address: 143.120.133.65



Agreement completed.

2021-08-10 - 9:58:57 PM GMT



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Janet Fuentes (Agent, Dolores Morales) requests a variance for a 6 foot wall for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Special Exception No:..... **VA-2021-00112**
Project No: **Project#2021-005392**
Hearing Date: 06-15-21
Closing of Public Record: 06-15-21
Date of Decision: 06-30-21

On the 15th day of June, 2021, Dolores Morales, agent for property owner Janet Fuentes (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance for a 6 foot wall (“Application”) upon the real property located at 700 Gibson BLVD SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance for a 6 foot wall.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Agent for property owner appeared and gave evidence in support of the application.

6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned NR-C.
8. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
9. The Applicant has authority to pursue this Application.
10. To establish the first prong of the variance test, evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance under Section 14-16-6-6(N)(3)(a)(1).
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(N)(3)(a)(1), the Application must be denied.

DECISION:

DENIAL of a variance for a 6 foot wall.

APPEAL:

If you wish to appeal this decision, you must do so by July 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Dolores Morales, reyes904@live.com



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: <u>Janet Fuentes</u>		Phone: <u>(505) 274-2081</u>
Address: <u>700 Gibson Blvd SE</u>		Email: <u>Fuentesajuliasales@gmail.com</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87106</u>
Professional/Agent (if any): <u>Dolores Morales</u>		Phone: <u>(505) 948-9121</u>
Address: <u>904 Broadway NE</u>		Email: <u>reyes904@live.com</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87102</u>
Proprietary Interest in Site:		List all owners: <u>Janet Fuentes</u>

BRIEF DESCRIPTION OF REQUEST

Build 6' wrought Iron fence along the perimeter of the property. Gibson side is Commercial - Edith side residential - request 6' tall also

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: <u>Lot 1</u>	Block: <u>B</u>	Unit:
Subdivision/Addition: <u>Torreón Add Anderson & Thaxton</u>	MRGCD Map No.:	UPC Code: <u>1014 056439 06840503</u>
Zone Atlas Page(s):	Existing Zoning: <u>NR-C</u>	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street: <u>700 Gibson Blvd SE</u>	Between: <u>I-25</u>	and: <u>Broadway</u>
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Project # 2021-005392 - VA-2021-00112

Signature: <u>Dolores Morales</u>	Date: <u>7.13.21</u>
Printed Name: <u>DOLORES MORALES</u>	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:			Date:		
			Project #		

FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- ☐ **APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)**
- ☐ **APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)**
- ☐ **APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)**

___ Interpreter Needed for Hearing? NO if yes, indicate language: _____

___ A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

___ Project number of the case being appealed, if applicable: # 2021-005392

___ Application number of the case being appealed, if applicable: _____

___ Type of decision being appealed: DENIED

___ Letter of authorization from the appellant if appeal is submitted by an agent

___ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)

___ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)

___ Copy of the Official Notice of Decision regarding the matter being appealed

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: [Signature]

Date: 7.13.21

Printed Name: DOLORES MORALES

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Case Numbers:

Project Number:

Staff Signature:

Date:



July 12, 2021

To whom this may concern:

Attention: Zoning and Development Review Department

I Dolores Morales am agent for Mrs. Janet Fuentes for the hearing that was held on the 15th of June 2021. The request for the variance on a 6-foot fence around the property on 700 Gibson Ave SE, was not approved. The decision was denied without any explanation as to why. The zone is a NR-C. It is commercial, it will be used as a commercial business. Any clarification from the review staff would be helpful to understand the denied letter.

Janet Fuentes is a business owner, of the car lot on Woodward and Broadway. She has been in this business several years at this location. Property owner for this space has given Mrs. Fuentes noticed that the lease will not be renewed, with no other option but to move their business somewhere else.

Mrs. Fuentes owns the property at 700 Gibson. She asked that I help her with the variance to build a 6-foot fence around her property so she can develop her business there. As we walked the property as well as the surrounding areas, we did notice the body shop across the street does have a 6-foot-tall wrought iron fence. Down the street there is block wall and gates that are 6 feet tall, taking those properties into consideration we did consider applying for the variance, not seeing any inconvenient anyone or the neighborhood. It would actually enhance and upgrade the look of the area. The fence would meet what the city request are; having visibility for first responders, it would not have any obstruction to the front of the building, and the spacing of the steel wrought iron fencing would be met.

As previously mentioned, her business is a car lot. Sales is her main source of income. Having a 6-foot fence to protect her "merchandise" the cars is crucial. 3 feet wall will not be safe for her business. Several businesses around this property have a secure 6-foot enclosure. When discussing the idea of requesting a variance to enclose this property, all 4-business agreed that would be the best

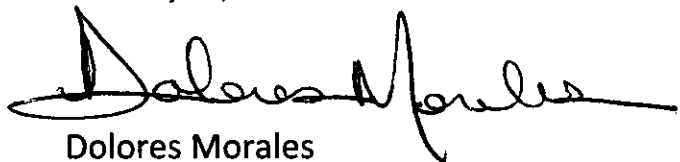
thing for that corner. They shared the same stories Mrs. Fuentes has seen happen to this lot. The high traffic of homeless population in that area, has made that empty corner a very vulnerable. You have tents going up (squatting), hazardous materials (used needles and other paraphernalia), trash, used appliances and household goods. This lot since ownership of Mrs. Fuentes has never been notified of clean up from the city, she has maintained it from weeds and trash.

All she wants is to protect her property from what she has experienced and being exposed to theft as well as vandalization. As property owner, business owner, and tax paying citizen, she is only trying to aby the city's request and still run her business to provide for her family. I am enclosing pictures of what she is afraid of what can happen if the fence is not as high as 6'. The pictures are acts of vandalization in her neighborhood. This neighborhood has and HOA, that limits them on not having a fenced in area for vehicles on their property. The white van with busted window and slashed tire, the burgundy SUV shot at 3 time, and her personal vehicle silver truck where the tires were stolen. Police reports can be provided upon request. Mrs. Fuentes is trying to move away from all this. With this going on at her home, she would like to have her business protected and provide for her family as well

A fence at 700 Gibson is not obstructing traffic. This fence is not causing any harm at to anyone or interfering with anything that can cause damage or inconvenience to anyone in the neighborhood. Any driver entering to Edith Street or exiting on to the main street of Gibson Blvd have visible access either way.

If there is anything we can provide or do to help reconsider your decision, please call, or email me at your earliest convenience. I am available Monday through Friday from 8 am to 5 pm. You may call the office at 505-242-6014 or my cell at 505-948-9121. I look forward to your response.

Thank you,

A handwritten signature in black ink, appearing to read 'Dolores Morales', with a long horizontal flourish extending to the right.

Dolores Morales





CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Janet Fuentes (Agent, Dolores Morales) requests a variance for a 6 foot wall for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Special Exception No:..... **VA-2021-00112**
Project No: **Project#2021-005392**
Hearing Date: 06-15-21
Closing of Public Record: 06-15-21
Date of Decision: 06-30-21

On the 15th day of June, 2021, Dolores Morales, agent for property owner Janet Fuentes ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance for a 6 foot wall ("Application") upon the real property located at 700 Gibson BLVD SE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance for a 6 foot wall.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Agent for property owner appeared and gave evidence in support of the application.

6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned NR-C.
8. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
9. The Applicant has authority to pursue this Application.
10. To establish the first prong of the variance test, evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance under Section 14-16-6-6(N)(3)(a)(1).
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(N)(3)(a)(1), the Application must be denied.

DECISION:

DENIAL of a variance for a 6 foot wall.

APPEAL:

If you wish to appeal this decision, you must do so by July 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Dolores Morales, reyes904@live.com

REQUEST FOR SPECIAL EXCEPTION

2

☒ Variance ☐ Conditional Use ☐ Other Interpreter: ☐ Yes ☒ No
VA# 2021-00112 PR# 2021-005392

Date: 3/26/2021		Received By: Marcelo Ibarra	
Address of Request: 700 GIBSON BLVD SE			
City: ALBUQUERQUE	State: NM	Zip: 87102	
Lot: 1	Block: B	Zone: NR-C	Map page: L14
Subdivision: TORREON ADDN ANDERSON & THAXTONS REPLAT OF		UPC# 101405643906840503	
Property Owner(s): CARTER GARY - Janet Fuentes (Can provide Deed)			
Mailing Address: 1015 EDITH BLVD SE			
City: ALBUQUERQUE	State: NM	Zip: 87102	
Phone: 505-555-5555	Email:		
Agent: Dolores Morales			
Mailing Address: 904 Braodway Blvd NE			
City: ALBUQUERQUE	State: NM	Zip: 87102	
Phone: 505-948-9121	Email: reyes904@live.com		
Fee Total: \$ 210.00			

Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- Proof that neighborhood meeting requirements were met
- Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

Approved for acceptance by:

Date:

Hearing Date:

JUNE 15, 21
MAY 18, 2021

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16- 5-7(D) Table 5-7-1			
Description of request: Permit Wall/Fence Major			
<input checked="" type="checkbox"/> Ownership verified on AGIS	<input checked="" type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS:			
APO: Yes	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area:			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			

5-7(C) WALL LOCATION

- 5-7(C)(1) Walls may be constructed anywhere on a lot, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by clear sight triangle requirements.
- 5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by the DPM, including but not limited to, clear sight triangle requirements or standards for alignments and easements. Walls may not encroach into any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

5-7(D) MAXIMUM WALL HEIGHT

5-7(D)(1) Maximum Wall Height Table

Unless specified otherwise in Subsection 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) or elsewhere in this IDO, walls shall comply with the height standards in Table 5-7-1.

Table 5-7-1: Maximum Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP) ^[1]	Non-residential (NR-LM, NR-GM)	See also:
Standard Wall Height					
Wall in the front yard or street side yard ^{[2]([3],[4])}	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot ^{[5]([6])}	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
Corner Lot Abutting Residential Zone District					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street ^[3]	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(g)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
Walls Abutting Major Arroyos and Major Public Open Space					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)
^[1] In the NR-BP zone district, wall heights shall be specified in the Master Development Plan. If no Master Development Plan exists or if no wall heights are specified in the Master Development Plan, then the wall height requirements in this table apply. ^[2] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c). ^[3] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g). ^[4] Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e). ^[5] Portions of walls in the rear yard of a corner lot abutting the front yard of a Residential zone district are treated differently, with provisions later in this table. ^[6] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.					

Letter of Authorization

To: Zoning Hearing Examiner

Date: June 15th

Project # _____

ZHE# _____

I, Janet Fuentes hereby authorize Dolores Morales to
act on my behalf in all matters relating to this application for Special Exception filed for my property
located at 700 Gibson Blvd SE, Albuquerque, NM 87106.

Property Owner(s)* (Applicant) Printed Name Janet Fuentes

Property Owner(s)* (Applicant) Signature Janet Fuentes

Mailing Address 10815 Beater Rd SW, Albuquerque, NM 87121

* Where a property has more than one owner, all owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or when the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.

Public Notice Inquiry For:

Other (please specify in field below)

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

building a fence at 6' tall on property line

Contact Name

DOLORES MORALES

Telephone Number

15059489121

Email Address

REYES904@LIVE.COM

Company Name

REYES SONS CONSTRUCTION INC

Company Address

904 BROADWAY BLVD NE

City

ALBUQUERQUE

State

NM

ZIP

87102

Legal description of the subject site for this project:

LEGAL DESCRIPTION

LTS 1 X 2 BLK B EXC POR TO MILES RD R/W ANDERSON X THAXTON R
EPL

PARCEL ID: 1 014 056 439 068 40503

Physical address of subject site:

700 GIBSON BLVD SE

Subject site cross streets:

EDITH AND GIBSON

Other subject site identifiers:

This site is located on the following zone atlas page:

L-14

Please attach a Zone Atlas Map that clearly indicates where the subject site is located. If the site property is not platted, please attach a Zone Atlas Map that clearly indicates where the subject site is located.

No Input

Sanchez, Suzanna A.

From: Sanchez, Suzanna A.
Sent: Tuesday, March 30, 2021 3:42 PM
To: 'REYES904@live.com'
Subject: ZHE Contacts 700 Gibson
Attachments: 1. Letter to Neighborhood Association.pdf; 2. Letter to Property Owners-June.pdf; WALL PERMIT JUSTIFICATION LETTER GUIDELINES.pdf

Dear Applicant,

- Below are the neighborhood associations that need to be notified of your ZHE application. Please fill in and forward the attached 1. Letter to Neighborhood Association to the email addresses below.
 - Applications will not be accepted until a pre-submittal neighborhood meeting has been held, or no response was received within 15 calendar days of the notice being sent, or the notified Neighborhood Association declined the meeting.
 - The Neighborhood Association must respond within 15 days of the sent notice and, if requested, the meeting must be scheduled within 30 days.
 - A pre-submittal neighborhood meeting must be facilitated by the City's Alternative Dispute Resolution (ADR) Office.

Association Name	First Name	Last Name	Email	Address Line 1	Address Line 2	City
San Jose NA	Olivia	Greathouse		408 Bethel Drive SE		Albuquerque
San Jose NA	Robert	Brown	rpb4me@gmail.com	2200 William Street SE	Suite B	Albuquerque
South Broadway NA	Frances	Armijo	fparmijo@gmail.com	915 William SE		Albuquerque
South Broadway NA	Tiffany	Broadous	tiffany.hb10@gmail.com	215 Trumbull SE		Albuquerque

After the neighborhood association has either declined your request in writing, or 15 days expired without a response, or a facilitated meeting was held, please notify the list of neighbors below.

- Below is a list of property owners within 100+ feet of the subject property. Please fill in and mail the attached, 2. Letter to Property Owners- June. Also, please provide proof that the letters were sent. Proof can be either a receipt for postage stamps purchased or a photo of the addressed envelopes.

Owner	OWNADD	OWNADD2
LUCERO M CARMEN	2221 EDITH BLVD SE	ALBUQUERQUE N 4913
PEREZ FERNANDO & MINERVA	900 WALTER ST SE	ALBUQUERQUE N 4250
CASTILLO PATRICK M	PO BOX 36873	ALBUQUERQUE N 6873
FIGUERAS DANIEL CORRA	518 GIBSON BLVD SE	ALBUQUERQUE N 4923

POLK RICHARD S & BARBARA J	PO BOX 50728	ALBUQUERQUE N
ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY	PO BOX 1293	ALBUQUERQUE N 1293
CARTER GARY	1015 EDITH BLVD SE	ALBUQUERQUE N
TELLICO INVESTMENTS PROPERTIES LLC	13309 HIDDEN VALLEY RD NE	ALBUQUERQUE N 4213
TELLICO INVESTMENTS PROPERTIES LLC	13309 HIDDEN VALLEY RD NE	ALBUQUERQUE N 4213
GONZALES JOE PAUL & CATHY PATRICIA	2222 EDITH BLVD SE	ALBUQUERQUE N
CARROLL NICHLAUS J & COKER JONNIE M G	2217 EDITH BLVD SE	ALBUQUERQUE N 4913
SIERRA CORINA	2227 EDITH BLVD SE	ALBUQUERQUE N
CITY OF ALBUQUERQUE-ZHE	PO BOX 1293	ALBUQUERQUE N 2248
ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY	PO BOX 1293	ALBUQUERQUE N 1293
CHEYNE WILLIAM B & ROGER J LAJOIE	6600 EUCARIZ AVE SW	ALBUQUERQUE N
RAMIREZ GUSTAVO & VILLAGRANA RAMIREZ FILIPA	9704 ASPEN AVE NE	ALBUQUERQUE N 4008
DRW PROPERTIES LLC	6300 RIVERSIDE PLAZA LN NW SUITE 100	ALBUQUERQUE N 1908
GAS CO OF NEW MEXICO	ALVARADO SQUARE	ALBUQUERQUE N
SHARRETT JAMES	516 GIBSON BLVD SE	ALBUQUERQUE N 4923
LOPEZ MARTY & KATHY	617 GIBSON BLVD SE	ALBUQUERQUE N

The deadline for complete applications is May 4th. Please let me know if you need assistance completing the process.

Thank you,

Suzie



SUZIE SANCHEZ

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

From: Sanchez, Suzanna A.
Sent: Tuesday, March 30, 2021 3:42 PM
To: REYES904@live.com
Subject: ZHE Contacts 700 Gibson

Dear Applicant,

- Below are the neighborhood associations that need to be notified of your ZHE application. Please Letter to Neighborhood Association to the email addresses below.

- Applications will not be accepted until a pre-submittal neighborhood meeting has been held, or no response was received within 15 calendar days of the notice being sent, or the notified Neighborhood Association declined the meeting.
- The Neighborhood Association must respond within 15 days of the sent notice and, if requested, the meeting must be scheduled within 30 days.
- A pre-submittal neighborhood meeting must be facilitated by the City's Alternative Dispute Resolution (ADR) Office.

Association Name	First Name	Last Name	Email	Address Line 1	Address Line 2	City	State	Zip
San Jose NA	Olivia	Greathouse		408 Bethel Drive SE		Albuquerque	NM	87102
San Jose NA	Robert	Brown	rpb4me@gmail.com	2200 William Street SE	Suite B	Albuquerque	NM	87102
South Broadway NA	Frances	Armijo	fparmijo@gmail.com	915 William SE		Albuquerque	NM	87102
South Broadway NA	Tiffany	Broadous	tiffany.hb10@gmail.com	215 Trumbull SE		Albuquerque	NM	87102

After the neighborhood association has either declined your request in writing, or 15 days expired without a response, or a facilitated meeting was held, please notify the list of neighbors below.

From: REYES ORNAMENTAL

Sent: Monday, March 29, 2021 4:29 PM

To: tiffany.hb10@gmail.com; fparmijo@gmail.com; rpb4me@gmail.com

Subject: PUBLIC NOTICE

Good afternoon,

Reyes & Sons Construction Inc has been requested to build a wrought iron fence for Ms. Janet Fuentes. Her property for this project is on 700 Gibson Blvd SE, Albuquerque, NM 87106. Wrought Iron fencing will be on the North side and West side and East side and South side will have block walls.

As part of the variance application process, the delivery of this email to named associations is required to move forward. The hearing date I am aiming for will be on June 15th.

The height we are requesting for all walls are at 6 feet tall around the perimeter. In an order to be able to request this permit

If you have any questions or concerns on this project, please feel free to reply to this email address or call me if needed. My name is Dolores Morales, you can reach me at 505-948-9121.

Have a great week

Dolores Morales
Reyes & Sons Construction Inc
Business Admin
Project Manager

Sent from [Mail](#) for Windows 10

REQUEST FOR NEIGHBORHOOD MEETING

Date: 4.23.21

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow 6 foot fence with gate on property line. Wrought iron will be open (summary of request).

Property owner Janet Fuentes
Agent if applicable Dolores Morales
Property Address 700 Gibson Blvd SE, Albuquerque, NM, 87106 (zip code).

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know.

Thank you,
Applicant Name Dolores Morales
Email reyes904@live.com
Phone Number (505) 948-9121

The City may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project. For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.

Sanchez, Suzanna A.

From: REYES ORNAMENTAL <reyes904@live.com>
Sent: Monday, April 26, 2021 11:53 AM
To: tiffany.hb10@gmail.com; fparmijo@gmail.com; rpb4me@gmail.com
Cc: Sanchez, Suzanna A.
Subject: NEIGHBORHOOD MEETING NOTICE
Attachments: meeting for 700 gibson.pdf

Good Morning,

I sent out a public notice email in March about a fence project I was asked to fabricate and install. I am attaching the Neighborhood Meeting Notice which was supposed to be part of my first email. My apologies for any inconvenience.

If you have any questions on the project or the permit I am requesting for my customer, please feel free to email me at reyes904@live.com.

Have a great week.

Dolores Morales

From: REYES ORNAMENTAL
Sent: Monday, March 29, 2021 4:29 PM
To: tiffany.hb10@gmail.com <tiffany.hb10@gmail.com>; fparmijo@gmail.com <fparmijo@gmail.com>; rpb4me@gmail.com <rpb4me@gmail.com>
Subject: PUBLIC NOTICE

Good afternoon,

Reyes & Sons Construction Inc has been requested to build a wrought iron fence for Ms. Janet Fuentes. Her property for this project is on 700 Gibson Blvd SE, Albuquerque, NM 87106. Wrought Iron fencing will be on the North side and West side and East side and South side will have block walls.

As part of the variance application process, the delivery of this email to named associations is required to move forward. The hearing date I am aiming for will be on June 15th.

The height we are requesting for all walls are at 6 feet tall around the perimeter. In an order to be able to request this permit

If you have any questions or concerns on this project, please feel free to reply to this email address or call me if needed. My name is Dolores Morales, you can reach me at 505-948-9121.

Have a great week

Dolores Morales
Reyes & Sons Construction Inc
Business Admin
Project Manager

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
Administrative Review/Decision – Electronic Mail**

Date of Notice*: March 26, 2021

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: _____

Name of NA Representative*: _____

Email Address* or Mailing Address* of NA Representative¹: _____

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* _____
Location Description _____
2. Property Owner* Janet Fuentes
3. Agent/Applicant* [if applicable] Dolores Morales
4. Application(s) Type* per IDO [Table 6-1-1](#)
 - ☐ Historic Certificate of Appropriateness – Minor
 - ☐ Sign Permit
 - ☐ Alternative Signage Plan
 - ☒ Wall/Fence Permit
 - ☐ Site Plan – Administrative²

Summary of project/request*:

Built and install a fence out of square tubing.
Wrought iron fence will be open and request to be
6 feet tall.

5. This application will be decided by staff. Please contact devhelp@cabq.gov or call the Planning Department at 505-924-3860 to speak with staff.

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Usually submitted and reviewed as part of building permit application, which can be searched by address here: <https://posse.cabq.gov/posse/pub/lms/Login.aspx>

[Note: Items with an asterisk (*) are required.]

6. Where more information about the project can be found³:

700 Gibson Blvd SE - Corner Edin/Gibson

Information Required for Email Notice by IDO Subsection 6-4(K)(1)(b):

1. Zone Atlas Page(s)⁴ L-14
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☒ Variance(s)⁵ ☐ Waiver(s)⁶

Explanation*:

to build a 6 foot tall wrought iron fence on property line. Open with no obstructions. Visibility through fence

4. Pre-submittal Neighborhood Meeting: Not Required
5. **For Site Plan – Administrative Applications only***, attach site plan showing, at a minimum:
- ☐ a. Location of proposed buildings and landscape areas. *
 - ☐ b. Access and circulation for vehicles and pedestrians. *
 - ☐ c. Maximum height of any proposed structures, with building elevations. *
 - ☐ d. **For residential development***: Maximum number of proposed dwelling units.
 - ☐ e. **For non-residential development***:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Additional Information:

From the IDO Zoning Map⁷:

1. Area of Property [typically in acres] _____
2. IDO Zone District _____
3. Overlay Zone(s) [if applicable] _____
4. Center or Corridor Area [if applicable] _____

³ Address (mailing or email), phone number, or website to be provided by the applicant

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas/>

⁵ Separate notice is required for Variances.

⁶ Separate notice is required for Waivers.

⁷ Available here: <https://tinurl.com/idozoningmap>

[Note: Items with an asterisk (*) are required.]

Current Land Use(s) [vacant, if none] Currently vacant. Proposed to be a small car lot. Small office in future plans.

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting within 15 days of the date of this notice. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

Public Notice of Hearing

Date: 4-20-21

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow a install 6' wrought-iron open fence on property line (summary of request).

Property owner: Janet Fuentes to enclose property.

Agent (If applicable): Dolores Morales

Property Address: 700 Gibson Blvd SE, Albuquerque, NM, 87106 (zip code).

A hearing will be held on June 15, 2021 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

<https://cabq.zoom.us/j/7044490999>

Meeting ID: 704 449 0999

One tap mobile

+16699006833,,7044490999# US (San Jose)

+12532158782,,7044490999# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

Find your local number: <https://cabq.zoom.us/j/a2s7T1dnA>

Thank you,

Applicant's Name: Dolores Morales

Applicant's Number or Email Address: (505) 948-9121 email: Reyes904@live.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505- 924-3894 or suzannasanchez@cabq.gov.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type:

Decision-making Body: Zoning Hearing Examiner

Pre-Application meeting required: ☐ Yes ☐ No

Neighborhood meeting required: ☒ ☐ Yes ☐ No

Mailed Notice required: ☒ ☐ Yes ☐ No

Electronic Mail required: ☐ Yes ☐ No ☒

Is this a Site Plan Application: ☐ Yes ☐ No ☒ **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application:

Name of property owner: Janet Fuentes

Name of applicant: Dolores Morales

Date, time, and place of public meeting or hearing, if applicable:

June 15, 2021 9:00AM via Zoom (Meeting ID# 704 449 0999)

Address, phone number, or website for additional information:

www.cabq.gov/zoninghearingexaminer or 505-924-3894

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☐ Zone Atlas page indicating subject property.

☐ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable.

☐ Summary of request, including explanations of deviations, variances, or waivers.

**IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO
[SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO).**

**PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON
APPLICATION.**

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Dolores Morales

(Applicant signature)

04/20/21
Dolores Morales (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

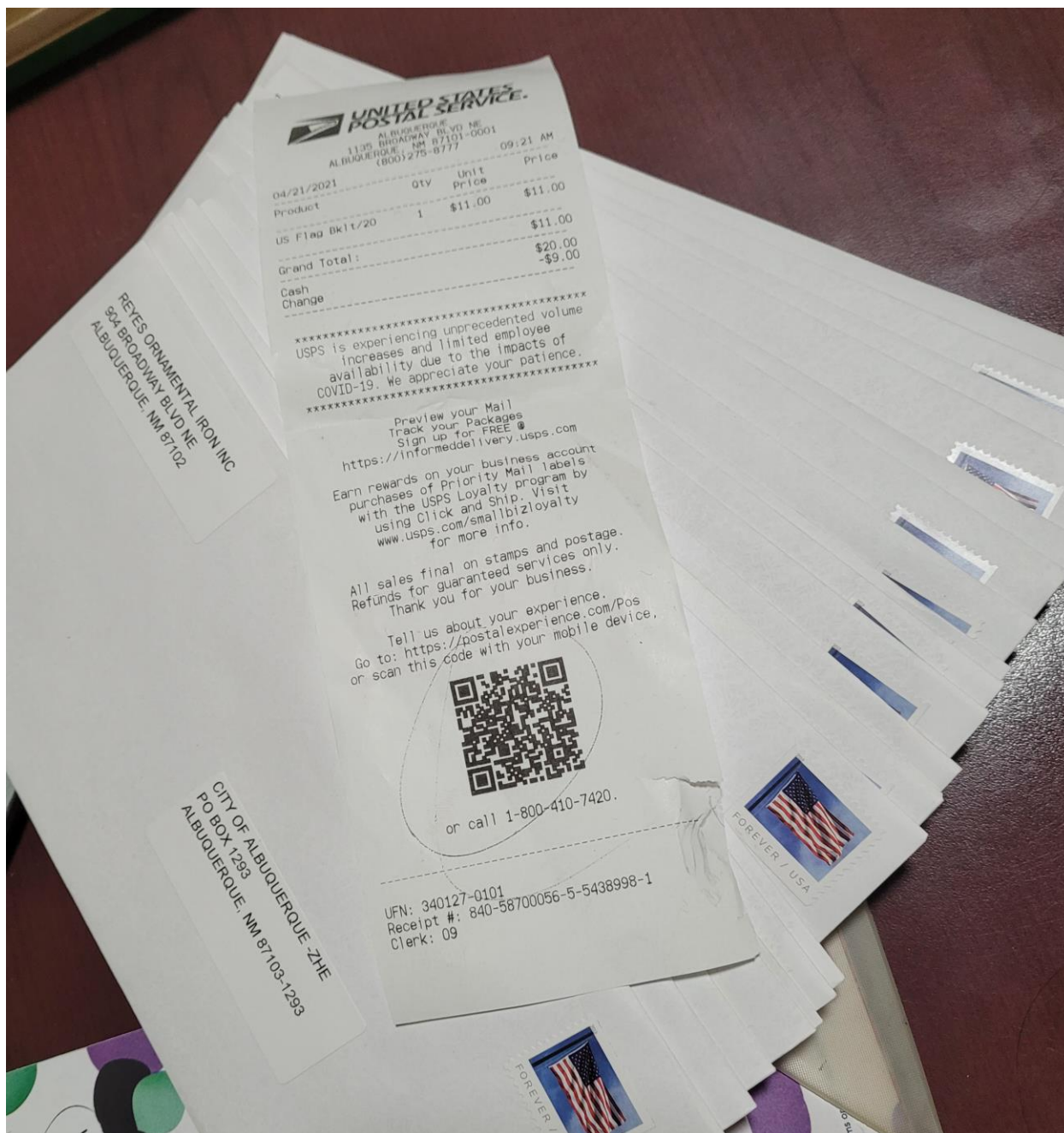
**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.



Google Maps

804 Gibson Blvd SE

10' foot tall



Google

Image capture: Dec 2018 © 2021 Google

Albuquerque, New Mexico



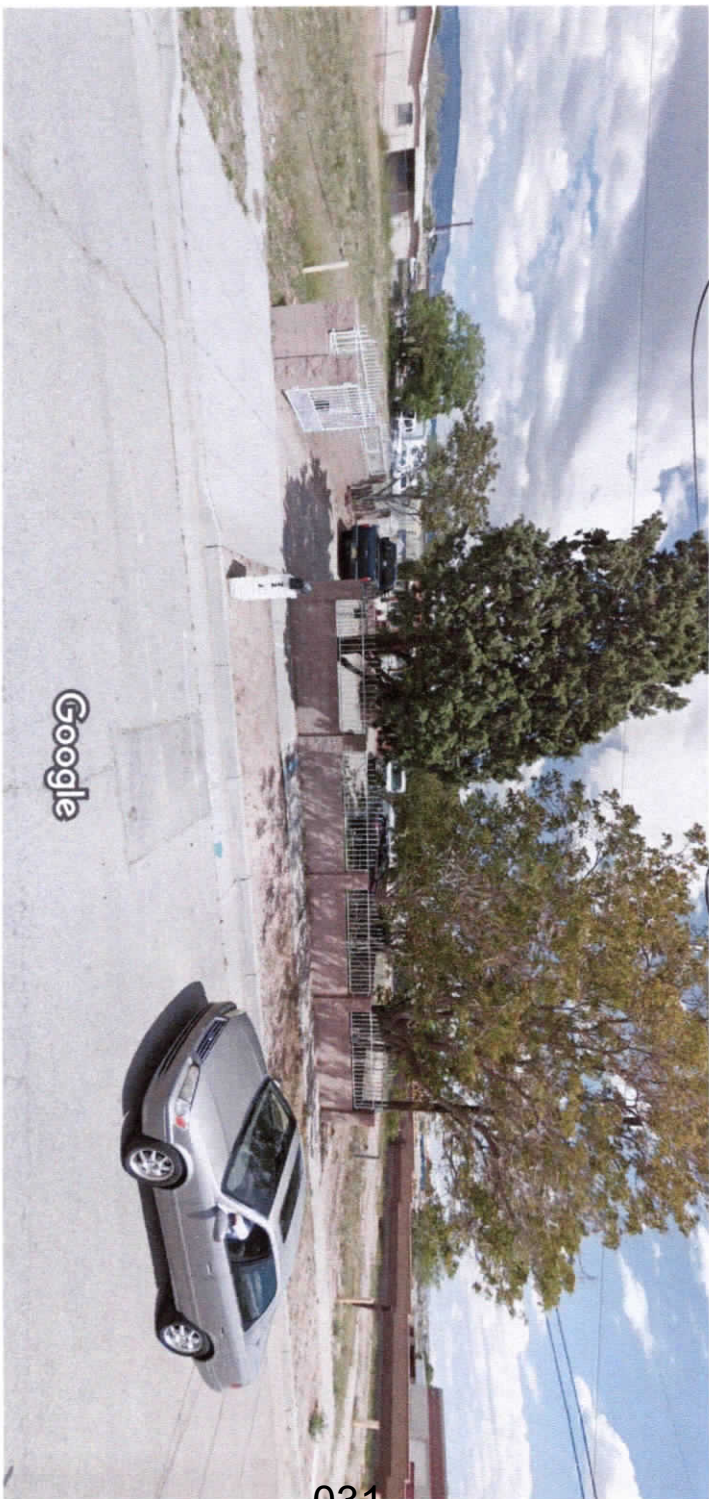
Street View

030

Google Maps

2225 Edith Blvd SE

5' tall



031

Image capture: Apr 2019 © 2021 Google

Albuquerque, New Mexico



Google

Street View

Google Maps

2300 Edith Blvd SE



Up front hall

Google

032

Image capture: Apr 2019 © 2021 Google

Albuquerque, New Mexico

Google

Street View

Google Maps

2301 Edith Blvd SE

6 feet tall



Image capture: Apr 2019 © 2021 Google

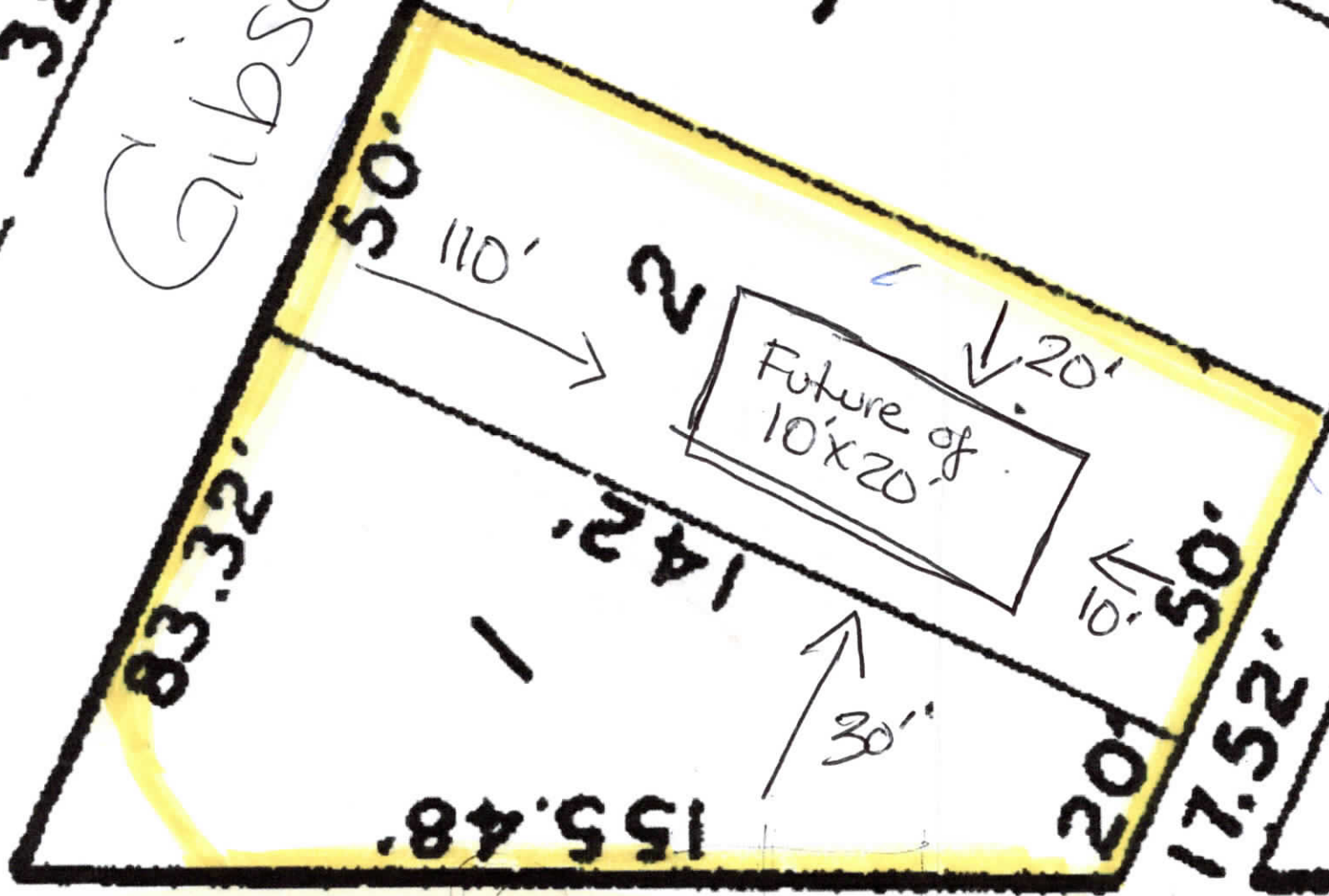
Albuquerque, New Mexico



Street View

322.64

Gibson



S. Utah

102.84

167 034

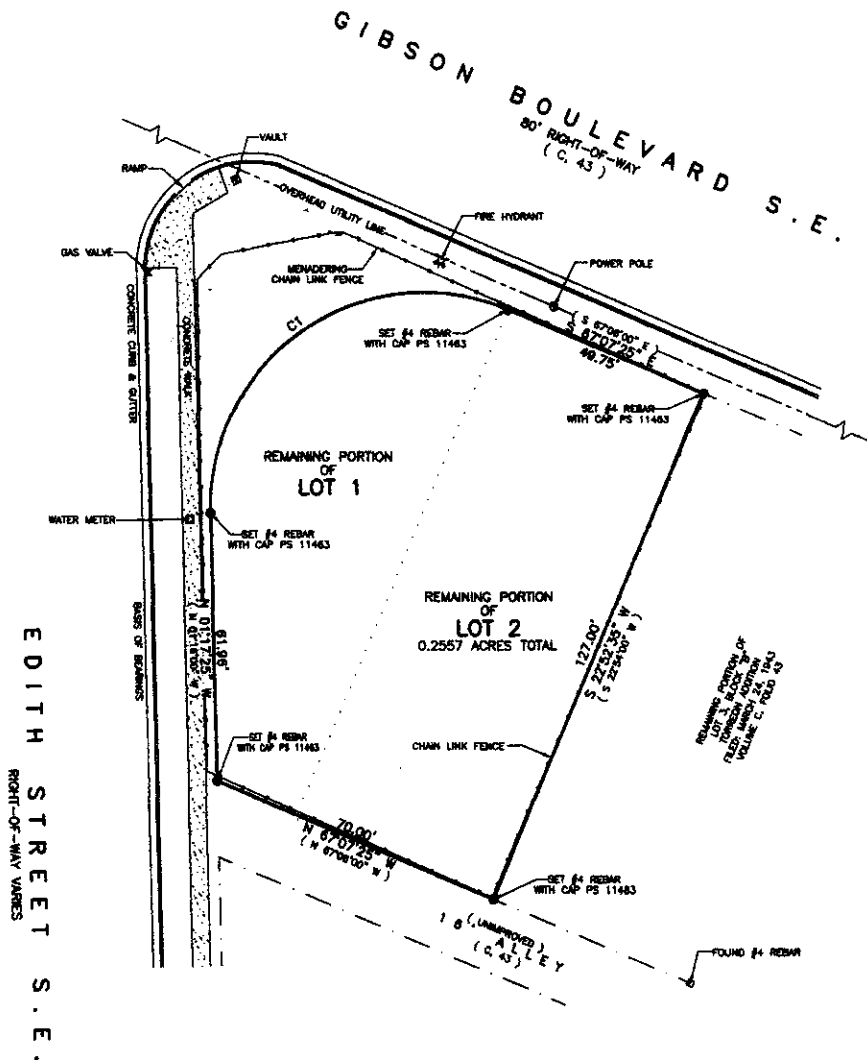
167

167

167

RETRACEMENT REMAINING LOTS 1 & 2 TORREON

WI
PROJECTED SECTION 29,
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JANUARY 2, 1984



LEGAL DESCRIPTION:

A CERTAIN PARCEL OF LAND BEING IN BLOCK LETTERED "B" OF ANDERS ADDITION, TO THE CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, DESCRIBED AS FOLLOWS: BEGINNING DESCRIBED AND COMMON SOUTHEAST A PORTION OF THE TORREON ADDITION THE SOUTHWEST CORNER OF THE PA OF SAID LOT 1; ALSO BEING A POINT S.E.; THENCE N. 01 DEG. 16' W., 8 EDITH BLVD., S.E. TO A POINT OF THE ARC OF A CURVE BEARING TO AND A 50 FEET RADIUS, WITH A CH A POINT OF TANGENCY, BEING A POINT S.E.; THENCE S. 67 DEG. 08' E., 45 MILES ROAD S.E. TO THE NORTHEAST 22 DEG. 54' W., 127.00 FEET DISTANCE

GENERAL NOTES:

- 1: OWNER OF RECORD PER FIDELITY TITLE BINDER DATED: JANUARY 2, 1984
- 2: LEGAL DESCRIPTION AND EASEMENTS FIDELITY NATIONAL TITLE INSURANCE
- 3: PLATS USED TO ESTABLISH BOUNDARY: A: ANDERSON & THAXTON'S REPLA FILED: MARCH 24, 1943 IN VC
- 4: FIELD WORK PERFORMED ON: JANUARY 2, 1984

SURVEYOR'S CERTIFICATE

I, Anthony L. Harris, a Professional Surveyor, do hereby certify that the above described property and I am representing the same to the best of my knowledge and belief, that the bearings and distances are correct, and that I have not been paid for my services in this matter.

Given under my hand and seal at Albuquerque, New Mexico, this 2nd day of January, 1984.

Anthony L. Harris, N.E.P.S. #11468 RA
1800 Chaco Vista Del Sur, NW • Corrales, NM • Corrales, NM
Telephone (505) 255-2278

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CT	50.00'	99.64'	83.85'	N 55°47'35" E	112°10'29"
	50.00'	99.64'	83.85'	N 55°47'35" E	112°10'29"



April 20, 2021

To whom this may concern:

I was asked to write a letter of justification for the variance/permit on 700 Gibson Blvd SE, Albuquerque, NM 87106. I would like to express, or should I say voice to the city on how important it is to fence off my property. I know for a fact I am one to share common reason that most of Albuquerque has encountered with the homeless population.

I try to keep up with the cleaning up of the lot. Doing this, I have come across used needles and drug use objects, and many items with blood. I have had people build tents and squat there. With the assistance of others as well as police officers, I have run them off several times. Confrontation has been risky and extremely uncomfortable. The homeless see my lot is empty and think they can make themselves free to camp out there. I feel my fence should be 6 tall to make it harder and we can keep the unwanted public out. Another situation I encounter is that I have trash from people dumping used or old mattress, broken or old appliances, bags of trash, clothes.

I hired Reyes & Sons Construction as well as Reyes Ornamental Iron Inc to do my wrought iron fence, they will follow what city regulation are and will be open and up to code. I would like your permission to build my fence high enough for them not to easily jump and invade my property.

I have plans, and that is to build a small office or place a small container to make a somewhat of a workspace. I would like to make a small car lot soon.

Building the fence will make that corner lot look nicer. It will enhance the neighborhood. I plan to landscape along the fence as well. The fencing will be open for any officials or first responders to see through. The code of 4-inch center upright vertical bars will be enough space for them as well as I can visibility.

Dolores Morales is assisting me with all the permit paperwork. I have signed the authorization letter and give her the permission to talk on my behalf. Her number is 505-948-9121. She will be available to answer any questions on the fence. Dolores will also be the person to attend the hearing.

Sincerely

A handwritten signature in black ink, appearing to read "Janet Fuentes". The signature is stylized with a large, looped initial "J" and a cursive-style name.

Janet Fuentes

PERMIT JUSTIFICATION LETTER – WALL OR FENCE

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Wall Permit of Wrought Iron Fence 6' tall
at 700 Gibson Blvd SE Albin (address of the subject property).
87106

(a) The wall is proposed on a lot that meets any of the following criteria:

1. The lot is at least $\frac{1}{2}$ acre.
2. The lot fronts a street designated as a collector, arterial, or interstate highway.
3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)
4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)



5-7(D)(3)(e)

I MEET CRITERIA _____. IF 3 OR 4, YOU MUST INCLUDE PHOTOGRAPHS WITH ADDRESSES AS PROOF THAT THE 20% REQUIREMENT IS MET.

(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area **BECAUSE:**

Fencing the property will enhance the look. I will keep - Squares and dump for old appliances and household items. The fence will protect the building in the future.

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the **BECAUSE:**

Fence will be wrought-iron - open - to see through. Will be tall with no pointed ends. No danger for any first responders.

(d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:

1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house. **PLEASE EXPLAIN:**

Open wrought-iron fence will not obstruct visibility to either of the windows of front entrance.

2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. **PLEASE EXPLAIN:**

3" post of Square tube will be concrete painted white. Fence panels will be welded to post. 6' ft tall and painted white. Architectural view will be pleasing to neighbors as well as drive by traffic.

Signature

Dolores M. Fles

Date

4.20.21

VARIANCE JUSTIFICATION LETTER - GENERAL

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Variance of 6' wrought iron fence. Open
fence * Gate to close off property.
at 700 Gibson Blvd SE Alb NM (address of the subject property).

1) There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards. **PLEASE EXPLAIN:**

Lot will be a future business a car lot business. Owner
will be making the corner lot be more presentable to the
community and will enhance the neighborhood.

2) The Variance will not be materially contrary to the public safety, health, or welfare **BECAUSE:**

Our fence is painted with oil based paint - No safety issue
Our fence does not have sharp edges - No safety issue
health? welfare? not related issues

3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity **BECAUSE:**

This lot has been vacant for
many years. Enclosing it will prevent eliminate trash and other
objects to be dumped there
It will improve the neighborhood and

4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district **BECAUSE:**

We are going to meet what regulation or request are
considered to have this variance approved

5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties **BECAUSE:**

This would give the owner peace of mind to have his
property enclosed and his future

Signature Dalmeida Date 6/1/21

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from May 31, 2021 To June 15, 2021

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Dolores Morales
(Applicant or Agent)

4.20.21
(Date)

I issued _____ signs for this application, _____, _____
(Date) (Staff Member)

PROJECT NUMBER: _____

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from JUNE 01, 2021 To JUNE 15, 2021

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Delores Morales
(Applicant or Agent)

5.25.21
(Date)

I issued 2 signs for this application, 5/25/2021, MARCELO IBARRA
(Date) (Staff Member)

PROJECT NUMBER: PR-2021-005392

VA-2021-00112



CITY OF ALBUQUERQUE INVOICE

DOLORES MORALES

904 BROADWAY NE

Reference NO: VA-2021-00112

Customer NO: CU-69100010

Date	Description	Amount
4/27/21	Application Fee	\$210.00

Due Date: **4/27/21**

Total due for this invoice:

\$210.00

Options to pay your Invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 4/27/21
Amount Due: **\$210.00**
Reference NO: VA-2021-00112
Payment Code: 130
Customer NO: CU-69100010

DOLORES MORALES
904 BROADWAY NE
ALBUQUERQUE, NM 87102



130 0000VA202100112001025467133342148000000000000210000CU69100010

Receipt	
Your Reference Number: 2021133002-32 05/14/2021 10:44:35 AM	
TRANSACTIONS	
Building Permits, Business Registrations, Code Enforcement Permits and Planning Applications 2021133002-32-1	\$210.00
Name: DOLORES MORALES - CU69100010 Customer Number: CU69100010	
Permit Information	\$210.00
Permit Number: VA-2021-00112 Permit Description: PL002: Planning: Application Fee (Variance and Appeals) Name: DOLORES MORALES - CU69100010	
Mastercard Service Fee 2021133002-32-3	\$5.78
TOTAL AMOUNT:\$215.78	
PAYMENT	
Mastercard Credit Sale M	\$210.00
Card Number: *****0075 First Name: DOLORES Last Name: MORALES	

Sanchez, Suzanna A.

From: CUNNINGHAM-STEPHENS, JANET L CTR USAF AFGSC 377 MSG/CEN-CP
<janet.cunningham-stephens.ctr@us.af.mil>
Sent: Wednesday, June 02, 2021 2:13 PM
To: Sanchez, Suzanna A.
Cc: Patten-Quintana, Lorena; BREEDEN, JOHN L CTR USAF AFGSC 377 MSG/CEN-CP
Subject: RE: ZHE Application Notice for 700 Gibson BLVD SE

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Ms. Sanchez,

I have reviewed the request and have no adverse comments regarding the fence variance.

Sincerely,

Janet Cunningham-Stephens
Base Community Planner
PAE|377 MSG|CEN-CP
Kirtland AFB, NM 87117
O: (505) 853-2747
Janet.cunningham-stephens.ctr@us.af.mil

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Thursday, May 27, 2021 3:36 PM
To: CUNNINGHAM-STEPHENS, JANET L CTR USAF AFGSC 377 MSG/CEN-CP <janet.cunningham-stephens.ctr@us.af.mil>
Cc: Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>
Subject: [Non-DoD Source] FW: ZHE Application Notice for 700 Gibson BLVD SE

Janet,

Per the new Integrated Development Ordinance, (see citation below) the City is required to notify you of an application for a variance at the property located at 700 Gibson and I have attached the file for you to review. Please let me know if you have any questions.

6-4(I) REFERRALS TO COMMENTING AGENCIES

Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 consecutive days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

6-4(I)(3) Kirtland Air Force Base and City Aviation Department staff for applications that include development in the Kirtland Air Force Base Military Influence.

Janet Fuentes (Agent, Dolores Morales) requests variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Thank you,

Suzie Sanchez



SUZIE SANCHEZ

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

Sanchez, Suzanna A.

From: Briggs, Hartwell L.
Sent: Tuesday, June 01, 2021 4:54 PM
To: Sanchez, Suzanna A.
Cc: Patten-Quintana, Lorena
Subject: RE: ZHE Application Notice for 700 Gibson BLVD SE

Suzanna,

I have no objection to the proposed variance.

Thanks,



HARTWELL BRIGGS, RA

planning manager

o 505.244.7800

m 505.238.3110

abqsunport.com

From: Sanchez, Suzanna A.
Sent: Thursday, May 27, 2021 3:33 PM
To: Briggs, Hartwell L. <hbriggs@cabq.gov>
Cc: Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>
Subject: ZHE Application Notice for 700 Gibson BLVD SE

Mr. Briggs,

Per the new Integrated Development Ordinance, (see citation below) the City is required to notify you of an application for a variance at the property located at 700 Gibson and I have attached the file for you to review. Please let me know if you have any questions.

6-4(I) REFERRALS TO COMMENTING AGENCIES

Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 consecutive days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

6-4(I)(3) Kirtland Air Force Base and City Aviation Department staff for applications that include development in the Kirtland Air Force Base Military Influence.

Agenda Item #6

VA-2021-00112

PR-2021-005392

Janet Fuentes (Agent, Dolores Morales) requests variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Thank you,

Suzie Sanchez



SUZIE SANCHEZ

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

City of Albuquerque ZHE – June 15, 2021

Agenda Item #8

VA-2021-00112

PR-2021-005392

Janet Fuentes (Agent, Dolores Morales) requests a variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Ownership: **Owner:** FUENTES JANET

Zone District/Purpose: NR-C/ The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses.

Allowable Use: n/a

Applicable Comp Plan Designation(s): Area of Change, MS corridor

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s): n/a

Applicable Dimensional/Development Standards:

Table 5-7-1: Maximum Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP) ⁽¹⁾	Non-residential (NR-IM, NR-GM)	See also:
Standard Wall Height					
Wall in the front yard or street side yard ⁽²⁾⁽³⁾⁽⁴⁾	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot ⁽⁵⁾⁽⁶⁾	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
Corner Lot Abutting Residential Zone District					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street ⁽⁷⁾	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(g)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6 ft.	8 ft.	8 ft.	5-7(D)(2)
Walls Abutting Major Arroyos and Major Public Open Space					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)

(1) In the NR-BP zone district, wall heights shall be specified in the Master Development Plan. If no Master Development Plan exists or if no wall heights are specified in the Master Development Plan, then the wall height requirements in this table apply.
(2) Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c).
(3) Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g).
(4) Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e).
(5) Portions of walls in the rear yard of a corner lot abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.
(6) Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.

Traffic Recommendations: No objection

Planning Recommendation: This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

June 3, 2021

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF June 15, **2021**

The Transportation Development Review Services Section has reviewed the zone hearing requests, and submits the attached comments.

VA-2021-00112

PR-2021-005392

Address: 700 Gibson Blvd SE

Transportation Review: **No objections**

After review of the provided application, Transportation has no objection to the existing of a wrought iron fence greater than 3 feet. The wall location/type will not adversely impact the driveway/sight distance.



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Janet Fuentes (Agent, Dolores Morales) requests a variance for a 6 foot wall for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Special Exception No:..... **VA-2021-00112**
Project No: **Project#2021-005392**
Hearing Date: 06-15-21
Closing of Public Record: 06-15-21
Date of Decision: 06-30-21

On the 15th day of June, 2021, Dolores Morales, agent for property owner Janet Fuentes (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance for a 6 foot wall (“Application”) upon the real property located at 700 Gibson BLVD SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance for a 6 foot wall.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Agent for property owner appeared and gave evidence in support of the application.

6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned NR-C.
8. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
9. The Applicant has authority to pursue this Application.
10. To establish the first prong of the variance test, evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance under Section 14-16-6-6(N)(3)(a)(1).
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(N)(3)(a)(1), the Application must be denied.

DECISION:

DENIAL of a variance for a 6 foot wall.

APPEAL:

If you wish to appeal this decision, you must do so by July 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Dolores Morales, reyes904@live.com

VA-2021-00112
PR-2021-005392
Applicant: Janet Fuentes
Agent: Dolores Morales



**Hearing on Special Exceptions
to the Integrated Development Ordinance**

MINUTES

June 15, 2021

600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner

Lorena Patten-Quintana – ZHE Planner, Planning Department

Suzie Sanchez – Hearing Monitor

VA-2021-00112
PR-2021-005392
Applicant: Janet Fuentes
Agent: Dolores Morales

ZHE: Next is agenda item 8 and that is VA-2021-00112, Project Number, PR-2021-005392, Janet Fuentes, agent, Dolores Morales request a variance for Lot 1, Block B, Torreon Addition Anderson and Thaxton Re-plat Of, located at 700 Gibson Boulevard Southeast and it's zoned NR-C. Do we have Dolores Morales with us?

DOLORES MORALES: Good morning. Good morning.

ZHE: Good morning, how are you today?

DOLORES MORALES: I'm good.

ZHE: Would you please state your name and mailing address for the record?

DOLORES MORALES: My name is Dolores Morales, the location, project location is 700 Gibson Boulevard Southeast.

ZHE: Thank you and please raise your right hand. Do you affirm under penalty of perjury that your testimony will be true?

DOLORES MORALES: Yes, I do.

ZHE: Thank you. Go ahead, please tell me about this proposal.

DOLORES MORALES: I'm sorry?

ZHE: I said, go ahead, please tell me about this proposal.

DOLORES MORALES: So, my, my customer, Janet Fuentes, they are proposing to build a 6 foot wrought iron, open fencing around the property. Their future plans are to have a smart, small car lot business there. Right now, it's open it's open. Well, it's open, there's a lot of debris that gets dumped there. The -
- Very similar to the other cases, a lot of, of homeless and just people just dumping mattresses and trash there. So, they're wanting to fence it in basically because they are going to build a business there in the future and by having it fenced in, is just gonna be security for both the businesses and them. Needles, feces, all of this is always there. Even though it's an open area, it's just something that they would like to secure.

ZHE: Okay, and as you may have heard earlier, you know one of the requirements for variance is that there be special circumstances applicable uniquely to this property, what would those be in this case?

DOLORES MORALES: Going back to them having a business, the, the surrounding area, it's not, it's very, it's not safe. There's a lot of vandalism. Just our yellow posters that we did post on the 31st of May, literally, it got tagged, it got spray-painted and one of them got ripped off. The security for the future business is really the main issue of enclosing it all in. And, having whatever lot well, basically the cars that they are going to be selling, for them to be protected. A building that's eventually going to be up there as well, for it to be protected. So, the circumstances would be for safety.

VA-2021-00112
PR-2021-005392
Applicant: Janet Fuentes
Agent: Dolores Morales

ZHE: And how is that different from the property next-door?

DOLORES MORALES: Most properties, the one right next-door is vacant, there's nothing. The neighborhood, most of them all have wrought iron and walls that go up to the 5 to 6 feet. Across the street, is well and it's Gibson so, Gibson is a traffic, big boulevard. Across the street, you do have the same circumstance with a paint and body shop. They do have their 6 feet of a wrought iron, open fencing, as well. So, it compares to basically having it all the same in the property, in the new neighborhood and or adjacent areas.

ZHE: Okay.

DOLORES MORALES: I also want to note that I could send these over to Nancy where the, the letters that I did send out and some neighbors as well as other people that see it being enclosed or going to be enclosed, it's really gonna be enhancing. It's gonna look nice. It's going to, it's really, for far most anything it's for safety. If we do have a car lot there, the cars are not gonna be safe. It will be open just like you mentioned to the other business, other customers that are trying to, to do variances. Yes, anybody can walk up to a lot but Mr. -- Miss. Fuentes feels that if her property is enclosed, her business is probably going to be better. The cars will not be vandalized or anything like that.

ZHE: Okay, and I do note that the City Traffic Engineer submitted a report stating no objection as did Kirtland Air Force Base and the ABQ Sunport, given that you're in the APO zone and within the base notice requirement.

DOLORES MORALES: They submitted letters? I'm sorry?

ZHE: Yeah, stating no objection.

DOLORES MORALES: Oh, okay.

ZHE: Okay, and would this proposed fencing cause any material harm to any neighbors of the larger community?

DOLORES MORALES: Not at all. One, it will be open, visible for first responders. For, for both them to be able to see out and anybody to see in. It will be the way you guys protocol the, the opening of the fencing, be 4 inches center. The height is going to be 6 and it does step down too, for it to meet all standards. There will be a gate as well, that will remain at 6 feet tall. Everything is going to be open.

ZHE: Okay. All right. Very good, anything else you'd like to add into the record?

DOLORES MORALES: No, this will be it. Thank you for taking the time.

ZHE: Okay, let's see if there's any public comment and then you'll get the chance to respond.

DOLORES MORALES: Sure.

VA-2021-00112

PR-2021-005392

Applicant: Janet Fuentes

Agent: Dolores Morales

ZHE: So, again this is agenda item 8, VA-2021-00112 and it's Janet Fuentes through agent, Dolores Morales requesting a variance at 700 Gibson Blvd. SE. please raise your hand if you'd like to address that matter. Again, agenda item 8. I'm scrolling through the participant list and I don't see anyone raising their hand. Last call for agenda item 8. Okay. Ms. Morales, did you have anything else you'd like to add before we close the record?

DOLORES MORALES: No, I'm good. Thank you, thank you for taking the time as well as, thank Suzie and everybody else that's part of this. Thank you so much.

ZHE: Certainly, thank you and I will take everything under consideration and issue the written decision in 15 days.

DOLORES MORALES: Thank you for your time.

ZHE: Thank you. That concludes agenda item 8.

Planning Department
Brennon Williams, Planning Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

July 19, 2021

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on July 16, 2021. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-21-11
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2021-005392, VA-2021-00291, VA-2021-00112

APPLICANT: Janet Fuentes
700 Gibson Blvd. SE
Albuquerque NM, 87106

AGENT: Dolores Morales
904 Broadway NE
Albuquerque NM, 87102

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
Janet Fuentes, Fuentesautosales1@gmail.com
Dolores Morales, Reyes904@live.com



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, June 15, 2021 9:00 A.M.

Join Zoom Meeting

<https://cabq.zoom.us/j/7044490999>

Meeting ID: 704 449 0999

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Robert Lucero, Esq., Zoning Hearing Examiner

Lorena Patten-Quintana, ZHE Planner

Suzie Sanchez, ZHE Administrative Assistant

For Inquiries Regarding This Agenda, Please Call The Planning Dept. at (505) 924-3894.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you require special assistance to participate in this hearing, please contact Planning Information at (505) 924-3860.

INTERPRETER NEEDED:

1. VA-2021-00120

Project#
PR-2021-
005413

Ariel Cano & Donna T requests a variance for Lot 3, Block 9, Mandell Addn No 2, located at 2800 4TH ST NW, zoned MX-M [Section 14-16-5-7(D)]

OLD BUSINESS:

- | | | | |
|----|---------------|--------------------------------|---|
| 2. | VA-2021-00092 | Project#
PR-2021-
005324 | Juan J. Risueno requests a permit-wall or fence-major for Lot 1, Block 18, Buena Ventura, located at 300 Erbbe St NE, zoned R-1B [Section 14-16-5-7(D)] |
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NEW BUSINESS:

- | | | | |
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| 3. | VA-2021-00094 | Project#
PR-2021-
005327 | Nancy and Kent Kanagy (Agent, Strata Design) request a permit-wall or fence major for Lots 14-15, Block 16, Monterey Hills Addn, located at 3211 Santa Clara Ave SE, zoned R-1D [Section 14-16-5-7-D] |
| 4. | VA-2021-00095 | Project#
PR-2021-
005327 | Nancy and Kent Kanagy (Agent, Strata Design) request a variance to allow a 4 1/2 ft high solid wall for Lots 14-15, Block 16, Monterey Hills Addn, located at 3211 Santa Clara Ave SE, zoned R-1D [Section 14-16-5-7-D] |
| 5. | VA-2021-00101 | Project#
PR-2021-
005376 | Dakota Cleveland requests a Permit-Wall or Fence-Major for Lot 20, Block 4, Mile Hi Court, located at 1717 Valencia Dr NE, zoned R-1C [Section 14-16-5-7(D)] |
| 6. | VA-2021-00103 | Project#
PR-2021-
005380 | Chelsea Pyne, Robert Hinton and Karen Hrobuchak request a Permit-Wall or Fence-Major for Lot 2B, Block 3, Major Acres, located at 1128 Major Ave NW, zoned R-1D [Section 14-16-5-7(D)] |
| 7. | VA-2021-00104 | Project#
PR-2021-
005380 | Chelsea Pyne, Robert Hinton and Karen Hrobuchak request a variance to allow for a solid wall in the front yard setback for Lot 2B, Block 3, Major Acres, located at 1128 Major Ave NW, zoned R-1D [Section 14-16-5-7(D)] |
| 8. | VA-2021-00112 | Project#
PR-2021-
005392 | Janet Fuentes (Agent, Dolores Morales) requests a variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)] |
| 9. | VA-2021-00113 | Project#
PR-2021-
005394 | Rudy Marquez requests a conditional use to allow a bar/pub for Lot B1 & B2A, Audio Clinic Inc & International, located at 1600 and 1608 Eubank BLVD NE, zoned MX-L [Section 14-16-4-2] |
| 10. | VA-2021-00114 | Project#
PR-2021-
005395 | Onesimo Vigil & Rachel Vigil (Agent, Richard Ayala) request a variance of 5 ft to the required 15 ft side yard setback for Lot 5A, Block 12, Volcano Cliffs Unit 5, located at 6516 Jade DR NW, zoned R-1D [Section 14-16-3-4(N)(3)] |
| 11. | VA-2021-00115 | Project#
PR-2021-
005402 | Edward Elder and May Golderberg request a permit to allow for a carport in the front yard setback for Lot 11, Block 10, Mesa Court Addn, located at 3921 Anderson Ave SE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(3)] |
| 12. | VA-2021-00116 | Project#
PR-2021-
005412 | Jorge Solis-Sarinana requests a Permit-Wall or Fence-Major for Lot 362, MRGCD Map 41, located at 532 Ethlyn Ave SE, zoned R-1B [Section 14-16-5-7(D)] |
| 13. | VA-2021-00118 | Project#
PR-2020-
004207 | Becker Karl (Agent, Ahmed Zaki) requests a variance for Lot 1, Anderson & Harris Addn, located at 1212 Aztec RD NW, zoned MX-L [Section 14-16-5-7(D)] |

14.	VA-2021-00119	Project# PR-2020-004207	Becker Karl (Agent, Ahmed Zaki) requests a variance of 3 feet to the 3 feet required wall height for Lot 4, Anderson & Harris Addn, located at 1212 Aztec RD NW, zoned MX-L [Section 14-16-5-7(D)]
15.	VA-2021-00121	Project# PR-2021-005417	Richard Puccio (Agent, Gilbert Austin) requests a permit to allow a carport in the required side/front setback for Lot 3, Block 2, Loma Del Norte Addn Unit 1, located at 7108 Patricia Dr NE, zoned R-1C [Section 14-16-5-5(F)(2)]
16.	VA-2021-00122	Project# PR-2021-005418	Alicia R. Salazar & Jose A (Agent, Gilbert Austin) requests a permit to allow a carport in the required side/front setback for Lot 72, Windsor Estates Phase 2, located at 2111 Buckingham Ct NW, zoned R-1B [Section 14-16-5-5(F)(2)]
17.	VA-2021-00123	Project# PR-2021-005419	Cindy Pacheco (Agent, Gilbert Austin) requests a permit to allow a carport in the required side setback for Lot 18, Block 66, Snow Heights Addn, located at 2424 Morris St NE, zoned R-1B [Section 14-16-5-5(F)(2)]
18.	VA-2021-00124	Project# PR-2021-005420	Rachel Marie Salas requests a Permit-Wall or Fence-Major for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy Rd NE, zoned R-1C [Section 14-16-5-7(D)]
19.	VA-2021-00125	Project# PR-2021-005421	Daniel Galvan (Agent, Salvador Loera) requests a Permit-Wall or Fence-Major for Lot 1, Block 1, Bear Canyon Estates Unit 2, located at 9301 Tasco Dr NE, zoned R-1C [Section 14-16-5-7(D)]
20.	VA-2021-00127	Project# PR-2021-005423	Jose L and Erika Hernandez requests a Permit-Wall or Fence-Major for Lot B, Osage Addn 3, located at 1615 Osage AVE SW, zoned R-1C [Section 14-16-5-7(D)]
21.	VA-2021-00131	Project# PR-2021-005423	Jose and Erika Hernandez request a variance to allow 6ft solid wall/fence for Lot B, Osage Addn 3, located at 1615 Osage AVE SW, zoned R-1C [Section 14-16-5-7(D)]
22.	VA-2021-00128	Project# PR-2021-005422	Cory Greenfield & Jennie McCary requests a permit to allow a carport in the side yard setback for Lot 8, Block 6, Chacon Addn, located at 709 16th St NW, zoned R-1A [Section 14-16-5-5(F)(2)(a)]
23.	VA-2021-00130	Project# PR-2021-005422	Cory Greenfield & Jennie McCary requests a variance of 2 feet to the required 5 foot side yard setback for a garage for Lot 8, Block 6, Chacon Addn, located at 709 16th St NW, zoned R-1A [Section 14-16-2-3(B)(2)]
24.	VA-2021-00132	Project# PR-2019-002291	Unser & Ladera LLC (Agent, Consensus Planning) request a conditional use to allow a drive-through facility for Lot 5A1C2, El Rancho Atrisco Phase 3, located at 1901 Ladera DR NW, zoned MX-L [Section 14-16-4-2]
25.	VA-2021-00133	Project# PR-2021-005425	Anthem Oil, LLC (Agent, JAG Planning & Zoning) requests a conditional use to allow light vehicle sales for Lot A2, Thunderbird Partnership, located at 9160 Coors BLVD NW, zoned MX-L [Section 14-16-4-2]
26.	VA-2021-00134	Project# PR-2021-005426	SMI-ABQ Assets, LLC / Whitney S. Fibich (Agent, Consensus Planning) requests a conditional use to allow a mortuary for Lot J, Coles Industrial No. 2, located at 3300 Vassar DR NE, zoned NR-LM [Section 14-16-4-2]

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| 27. | VA-2021-00135 | Project#
PR-2021-
005430 | Sarah Santillanes & Anthony Santillanes requests a Permit-Wall or Fence-Major for Lot 26, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)] |
| 28. | VA-2021-00137 | Project#
PR-2021-
005430 | Sarah Santillanes & Anthony Santillanes requests a Permit-Wall or Fence-Major for Lot 27, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)] |
| 29. | VA-2021-00138 | Project#
PR-2021-
005430 | Sarah Santillanes & Anthony Santillanes requests a variance of 3 ft to the 3 ft maximum wall height for Lot 26, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)] |
| 30. | VA-2021-00139 | Project#
PR-2021-
005430 | Sarah Santillanes & Anthony Santillanes requests a variance of 3 ft to the 3 ft maximum wall height for Lot 27, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)] |
| 31. | VA-2021-00140 | Project#
PR-2021-
005433 | James Morales requests a Permit-Wall or Fence-Major for Lot 5A, Glendale Gardens, located at 3543 Ute RD NW, zoned R-1D [Section 14-16-5-7(D)] |
| 32. | VA-2021-00143 | Project#
PR-2021-
005436 | Chris and Sara Evans request a variance of 35 ft to the required 20 ft driveway access in CPO-13 for Lot 7, Block 5, Volcano Cliffs Unit 19, located at 6531 Azor LA NW, zoned R-1D [Section 14-16-3-4(N)(5)(c)(6)] |